

Senate Chamber, Atlanta, Georgia
Wednesday, February 14, 2007
Twentieth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 106. By Representatives Bridges of the 10th and Maxwell of the 17th:

A BILL to be entitled an Act to amend Code Section 47-17-80 of the Official Code of Georgia Annotated, relating to retirement benefit options under the Peace Officers' Annuity and Benefit Fund, payment to surviving spouse, requirements, effect of reemployment, effect of changes in retirement benefits, and payments on death of a member, so as to provide that certain benefit options shall be calculated on the interest rate and mortality basis approved from time to time by the board and by other factors; to repeal conflicting laws; and for other purposes.

HB 112. By Representatives McCall of the 30th and England of the 108th:

A BILL to be entitled an Act to amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to eliminate certain license fees; to change certain provisions relating to applications for licenses and permits relative to milk products, duration of licenses, renewal of licenses, and procedure for denial, revocation, or suspension of licenses; to change certain provisions relating to license requirements for cream testers; to change certain provisions

relating to licenses for manufacture, bottling, and distribution of soft drinks, fees, and separate licenses for each business or bottling or manufacturing plant; to repeal conflicting laws; and for other purposes.

HB 341. By Representative Hill of the 180th:

A BILL to be entitled an Act to authorize the City of St. Marys to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 345. By Representative Greene of the 149th:

A BILL to be entitled an Act to amend an Act changing the method of selecting the members of the board of education of Miller County, approved March 21, 1968 (Ga. L. 1968, p. 2529), as amended, so as to provide for the compensation of the chairperson and members of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 349. By Representatives Royal of the 171st, Rynders of the 152nd and Houston of the 170th:

A BILL to be entitled an Act to amend an Act creating the State Court of Colquitt County (originally the City Court of Colquitt County and established as the Civil and Criminal Court of Colquitt County by Ga. L. 1968, p. 2139), approved August 7, 1931 (Ga. L. 1931, p. 293), as amended, so as to prohibit the judge of such court from engaging in the practice of law; to provide for the compensation of such judge; to provide for construction and for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 362. By Representatives Bryant of the 160th, Gordon of the 162nd, Jackson of the 161st, Day of the 163rd, Stephens of the 164th and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Garden City, approved April 17, 1973 (Ga. L. 1973, p. 3581), as amended, so as to provide for the election by the mayor and the city council of a president of council who shall assume the duties of the mayor in the event that the mayor and the mayor pro tem are unavailable; to provide that

the mayor pro tem and the president pro tem be elected by secret ballot; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 364. By Representatives Mumford of the 95th, Sailor of the 93rd, Stephenson of the 92nd and Mangham of the 94th:

A BILL to be entitled an Act to authorize the City of Conyers to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 371. By Representative Mills of the 25th:

A BILL to be entitled an Act to authorize the City of Flowery Branch to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolution of the House:

HR 257. By Representatives Teilhet of the 40th, Richardson of the 19th, Manning of the 32nd, Cooper of the 41st, Tumlin of the 38th and others:

A RESOLUTION remembering and honoring the life of Dr. Robert Alan Lipson; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 154. By Senators Murphy of the 27th, Pearson of the 51st, Johnson of the 1st, Rogers of the 21st, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Chapter 30 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable only to municipal corporations, so as to provide that municipal corporations and newly

incorporated municipalities enter into certain agreements with solid waste collection firms providing services for the territory annexed or incorporated; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Economic Development Committee.

SB 155. By Senator Balfour of the 9th:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education, so as to require immunization against human papillomavirus for female students entering the sixth grade; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 156. By Senators Balfour of the 9th, Cowser of the 46th, Hawkins of the 49th and Stoner of the 6th:

A BILL to be entitled an Act to amend Article 2 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, relating to minimum funding standards for public retirement systems, so as to provide that counties, municipal corporations, and other political subdivisions may provide post-employment benefits other than retirement or pension benefits; to define certain terms; to provide that such plans may be prefunded to comply with certain financial reporting, disclosure, and actuarial requirements; to provide that such funds shall be held in trust for the intended purpose; to provide that such funds are declared to be public property exempt from state and local taxation; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

SB 157. By Senators Tolleson of the 20th, Meyer von Bremen of the 12th, Bulloch of the 11th, Williams of the 19th, Hill of the 4th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to gasoline additives, so as to provide for grants to persons to finance installing, replacing, and converting motor fuel storage equipment to facilitate storing and dispensing E-85 gasoline

for retail sale; to define certain terms; to provide legislative findings and declarations; to provide for rules and regulations; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 158. By Senators Balfour of the 9th, Weber of the 40th, Butler of the 55th, Shafer of the 48th, Henson of the 41st and others:

A BILL to be entitled an Act to amend an Act creating the Gwinnett Judicial Circuit and providing for its powers, duties, jurisdiction, and officers, approved February 12, 1960 (Ga. L. 1960, p. 110), as amended, particularly by an Act approved May 10, 2005 (Ga. L. 2005, p. 4142), so as to change provisions relating to the salary supplements for the judges of the Gwinnett Judicial Circuit; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 159. By Senators Staton of the 18th, Rogers of the 21st, Chance of the 16th, Seabaugh of the 28th, Golden of the 8th and others:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, so as to change the date for filing applications for homestead exemptions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

SB 160. By Senators Heath of the 31st, Tate of the 38th, Murphy of the 27th, Schaefer of the 50th, Stoner of the 6th and others:

A BILL to be entitled an Act to amend Code Section 47-1-30 of the Official Code of Georgia Annotated, relating to the authority to increase retirement benefits, so as to provide that such authority shall terminate on July 1, 2007; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

- SB 161. By Senators Heath of the 31st, Murphy of the 27th, Stoner of the 6th and Schaefer of the 50th:

A BILL to be entitled an Act to amend Code Section 47-2-125 of the Official Code of Georgia Annotated, relating to reexamination of persons receiving disability benefits under the Employees' Retirement System of Georgia, effect of refusal to undergo examination, and effect of ability to engage in gainful employment, so as to delete provisions providing for physical examinations done at a place convenient to the beneficiary; to provide that a beneficiary who has not reached the age of 60 shall submit to an examination; to provide that the disability retirement benefit of certain members shall be reduced by such amounts that the beneficiary receives from workers' compensation; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

- SB 162. By Senators Heath of the 31st, Tate of the 38th, Murphy of the 27th, Schaefer of the 50th, Stoner of the 6th and others:

A BILL to be entitled an Act to amend Code Section 47-2-123 of the Official Code of Georgia Annotated, relating to allowance payable upon death, disability, or involuntary separation from employment, restrictions on separating from employment, and restrictions on entitlement to involuntary separation benefits, so as to provide that a person who becomes a member of the Employees' Retirement System of Georgia on or after July 1, 2007, shall be entitled to a disability benefit based upon the actual years of creditable service he or she had attained on the date of retirement; to provide that no such person who is eligible for an equivalent service retirement shall be entitled to receive a disability allowance; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

- SB 163. By Senators Heath of the 31st, Tate of the 38th, Murphy of the 27th, Schaefer of the 50th, Stoner of the 6th and others:

A BILL to be entitled an Act to amend Code Section 47-2-292 of the Official Code of Georgia Annotated, relating to merit system of personnel administration for county revenue employees, membership in the Employees' Retirement System of Georgia, contributions, and credit for prior service, so as to provide that no person who becomes a tax commissioner, tax collector, tax receiver, or an employee of any such officer on or after July 1, 2008, shall be

eligible for membership in the Employees' Retirement System of Georgia; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

SB 164. By Senators Balfour of the 9th, Williams of the 19th, Golden of the 8th, Stoner of the 6th, Bulloch of the 11th and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to so as to enact the "Certificate of Need Reformation Act of 2007"; to provide for transition; to amend various other titles of the Official Code of Georgia Annotated so as to revise provisions for purposes of conformity; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 165. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to agricultural commodity commissions generally, so as to change certain provisions relating to ratification of commissions, governance by said chapter, and balloting to determine continued existence; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SR 261. By Senators Hamrick of the 30th, Mullis of the 53rd, Williams of the 19th and Johnson of the 1st:

A RESOLUTION recognizing and commending Waffle House, Inc.; and for other purposes.

Referred to the Rules Committee.

SR 263. By Senators Balfour of the 9th, Hudgens of the 47th, Cowsert of the 46th, Unterman of the 45th, Shafer of the 48th and others:

A BILL urging the Congress of the United States to provide funding for the engineering, construction, and land acquisition and other necessary costs for commuter rail connecting Athens to Atlanta; and for other purposes.

Referred to the Transportation Committee.

SR 270. By Senators Schaefer of the 50th, Smith of the 52nd, Staton of the 18th, Hill of the 4th, Mullis of the 53rd and others:

A RESOLUTION urging the Capitol Arts Standards Commission to authorize the placement of a statue on the grounds of the State Capitol Building honoring Zell Bryan Miller; and for other purposes.

Referred to the State Institutions and Property Committee.

The following House legislation was read the first time and referred to committee:

HB 106. By Representatives Bridges of the 10th and Maxwell of the 17th:

A BILL to be entitled an Act to amend Code Section 47-17-80 of the Official Code of Georgia Annotated, relating to retirement benefit options under the Peace Officers' Annuity and Benefit Fund, payment to surviving spouse, requirements, effect of reemployment, effect of changes in retirement benefits, and payments on death of a member, so as to provide that certain benefit options shall be calculated on the interest rate and mortality basis approved from time to time by the board and by other factors; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

HB 112. By Representatives McCall of the 30th and England of the 108th:

A BILL to be entitled an Act to amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to eliminate certain license fees; to change certain provisions relating to applications for licenses and permits relative to milk products, duration of licenses, renewal of licenses, and procedure for denial, revocation, or suspension of licenses; to change certain provisions relating to license requirements for cream testers; to change certain provisions relating to licenses

for manufacture, bottling, and distribution of soft drinks, fees, and separate licenses for each business or bottling or manufacturing plant; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

HB 341. By Representative Hill of the 180th:

A BILL to be entitled an Act to authorize the City of St. Marys to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 345. By Representative Greene of the 149th:

A BILL to be entitled an Act to amend an Act changing the method of selecting the members of the board of education of Miller County, approved March 21, 1968 (Ga. L. 1968, p. 2529), as amended, so as to provide for the compensation of the chairperson and members of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 349. By Representatives Royal of the 171st, Rynders of the 152nd and Houston of the 170th:

A BILL to be entitled an Act to amend an Act creating the State Court of Colquitt County (originally the City Court of Colquitt County and established as the Civil and Criminal Court of Colquitt County by Ga. L. 1968, p. 2139), approved August 7, 1931 (Ga. L. 1931, p. 293), as amended, so as to prohibit the judge of such court from engaging in the practice of law; to provide for the compensation of such judge; to provide for construction and for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 362. By Representatives Bryant of the 160th, Gordon of the 162nd, Jackson of the 161st, Day of the 163rd, Stephens of the 164th and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Garden City, approved April 17, 1973 (Ga. L. 1973, p. 3581), as amended, so as to provide for the election by the mayor and the city council of a president of council who shall assume the duties of the mayor in the event that the mayor and the mayor pro tem are unavailable; to provide that the mayor pro tem and the president pro tem be elected by secret ballot; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 364. By Representatives Mumford of the 95th, Sailor of the 93rd, Stephenson of the 92nd and Mangham of the 94th:

A BILL to be entitled an Act to authorize the City of Conyers to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 371. By Representative Mills of the 25th:

A BILL to be entitled an Act to authorize the City of Flowery Branch to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Health and Human Services Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 60 Do Pass by substitute
SB 95 Do Pass

Respectfully submitted,
Senator Thomas of the 54th District, Chairman

Mr. President:

The Insurance and Labor Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 84 Do Pass
SB 131 Do Pass

Respectfully submitted,
Senator Hudgens of the 47th District, Chairman

Mr. President:

The Public Safety and Homeland Security Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 86 Do Pass

Respectfully submitted,
Senator Whitehead of the 24th District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 211 Do Pass
HB 212 Do Pass
SB 52 Do Pass

Respectfully submitted,
Senator Wiles of the 37th District, Chairman

Mr. President:

The State Institutions and Property Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 245	Do Pass
HR 21	Do Pass
SB 120	Do Pass

Respectfully submitted,
Senator Grant of the 25th District, Chairman

Mr. President:

The Veterans and Military Affairs Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SR 81	Do Pass
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Respectfully submitted,
Senator Douglas of the 17th District, Chairman

The following legislation was read the second time:

SB 79	SB 97
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Senator Schaefer of the 50th asked unanimous consent that Senator Pearson of the 51st be excused. The consent was granted, and Senator Pearson was excused.

The roll was called and the following Senators answered to their names:

Adelman	Henson	Seay
Balfour	Hill,Jack	Shafer,D
Brown	Hill,Judson	Smith
Bulloch	Hooks	Staton
Butler	Hudgens	Stoner
Carter	Jones	Tarver
Chance	Me V Bremen	Tate
Chapman	Moody	Thomas,D
Cowsert	Mullis	Thomas,R
Davenport	Murphy	Thompson,C

Douglas	Orrock	Thompson,S
Fort	Powell	Tolleson
Golden	Ramsey	Unterman
Hamrick	Reed	Weber
Harbison	Rogers	Whitehead
Harp	Schaefer	Wiles
Hawkins	Seabaugh	Williams
Heath		

Not answering were Senators:

Goggans	Grant	Johnson
Pearson (Excused)		

Senator Goggans was off the floor of the Senate when the roll was called and wished to be recorded as present.

The members pledged allegiance to the flag.

Senator Schaefer of the 50th introduced the chaplain of the day, Pastor Mike Griffin of Hartwell, Georgia, who offered scripture reading and prayer.

Senator Williams of the 19th introduced Stone Workman, State Director for Georgia Rural Development, U.S. Department of Agriculture. Stone Workman addressed the Senate briefly.

The following resolutions were read and adopted:

SR 259. By Senator Thomas of the 2nd:

A RESOLUTION commending Dr. Olivia Swanson; and for other purposes.

SR 260. By Senators Tolleson of the 20th and Hooks of the 14th:

A RESOLUTION celebrating and recognizing Historic Preservation Day at Rhodes Hall; and for other purposes.

SR 262. By Senators Hamrick of the 30th and Seabaugh of the 28th:

A RESOLUTION expressing congratulations and best wishes to Miss Nell Katherine Meadows on the occasion of her 108th birthday; and for other purposes.

SR 264. By Senators Wiles of the 37th, Hill of the 32nd, Thompson of the 33rd, Stoner of the 6th and Rogers of the 21st:

A RESOLUTION congratulating the Mount Paran Christian School Cheerleading Squad for winning the Fellowship of Christian Cheerleaders National Championship.

SR 265. By Senator Harbison of the 15th:

A RESOLUTION commending Evelyn W. Turner Pugh; and for other purposes.

SR 267. By Senator Rogers of the 21st:

A RESOLUTION commending the Sequoyah High School Lady Chiefs fast pitch softball team; and for other purposes.

SR 268. By Senator Rogers of the 21st:

A RESOLUTION commending the Woodstock High School Lady Wolverines fast pitch softball team; and for other purposes.

SR 269. By Senators Johnson of the 1st, Williams of the 19th, Brown of the 26th, Balfour of the 9th, Powell of the 23rd and others:

A RESOLUTION recognizing and commending the Georgia Chamber of Commerce and recognizing February 15, 2007, as "Georgia Chamber of Commerce Business Day"; and for other purposes.

SR 271. By Senator Weber of the 40th:

A RESOLUTION commending the Professional Association of Georgia Educators (PAGE) and recognizing "PAGE Day on Capitol Hill"; and for other purposes.

Senator Tolleson of the 20th introduced members from the Council on American Indian Concerns, commended by SR 250, adopted previously.

The following resolution was read and adopted:

SR 275. By Senators Harp of the 29th and Wiles of the 37th:

A RESOLUTION honoring the Board of Regents of the University System of Georgia on the occasion of the University System of Georgia's 75th anniversary; and for other purposes.

Senators Bulloch of the 11th and Harp of the 29th recognized members of the Board of Regents of the University System of Georgia, commended by SR 275.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

February 14, 2007
Twentieth Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

SB 52 Adelman of the 42nd
 Butler of the 55th
 Henson of the 41st
 Jones of the 10th
 Ramsey of the 43rd
 Thompson of the 5th
DEKALB COUNTY

A BILL to be entitled an Act to amend an Act revising, superseding, and consolidating the laws relating to the governing authority of DeKalb County, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304), as amended, so as to change the provisions relating to the authority of the chief executive officer to preside over meetings of the county commission and vote in certain instances; to change the provisions relating to the authority of the chief executive officer to set the agenda for meetings of the county commission; to provide for related matters; to provide for a referendum; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 211

Carter of the 13th
TIFT COUNTY

A BILL to be entitled an Act to authorize Tift County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 212

Carter of the 13th
CITY OF TIFTON

A BILL to be entitled an Act to authorize the City of Tifton to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the local legislation as reported, was agreed to.

On the passage of the legislation, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Hill,Jack	Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Moody	Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	E Pearson	Y Unterman
Y Grant	Y Powell	Y Weber

Y Hamrick
Harbison
Y Harp
Y Hawkins

Y Ramsey
Y Reed
Rogers
Y Schaefer

Y Whitehead
Y Wiles
Williams

On the passage of the local legislation, the yeas were 47, nays 0.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

SENATE RULES CALENDAR
WEDNESDAY, FEBRUARY 14, 2007
TWENTIETH LEGISLATIVE DAY

- SB 23 Criminal Sentencing Procedure; probation/suspension; court may inquire/consider the legality of prisoner's presence in United States (Substitute)(JUDY-17th)
- SB 48 Penal Institutions; transmittal information on convicted persons; provide notice to the attorney of record for the convicted persons (Substitute)(PS&HS-13th)
- SB 62 Georgia Crime Information Center; provide certain conditions for requesting criminal history records (PS&HS-53rd)
- SB 72 Quality Basic Education Act; authorize the employment of school administrative managers to conduct the financial/business affairs (Substitute)(ED&Y-19th)
- SR 20 Taxation; provide limitations on state government tax and expenditures; definitions CA (Substitute)(FIN-21st)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 23. By Senators Douglas of the 17th, Rogers of the 21st, Schaefer of the 50th, Hawkins of the 49th, Staton of the 18th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 10 of Title 17 of the O.C.G.A., relating to criminal sentencing procedure, so as to provide that in making determinations with respect to probation and suspension of sentences, the court may inquire into and consider the legality of a prisoner's presence in the United States; to amend Article 2 of Chapter 9 of Title 42 of the O.C.G.A., relating to granting of pardons, parole, and other relief in general, so as to provide that the State Board of Pardons and Paroles may inquire into and consider the legality of a prisoner's presence in the United States when making parole decisions; to make a statement of legislative findings and intent with respect to applicability; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Judiciary Committee offers the following substitute to SB 23:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to criminal sentencing procedure, so as to provide that in making determinations with respect to probation and suspension of sentences, the court may inquire into and consider the legality of a prisoner's presence in the United States; to amend Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to granting of pardons, parole, and other relief in general, so as to provide that the State Board of Pardons and Paroles may inquire into and consider the legality of a prisoner's presence in the United States when making parole decisions; to make a statement of legislative findings and intent with respect to applicability; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to criminal sentencing procedure, is amended by adding a new Code section to read as follows:

"17-10-1.3.

(a) In determining whether to probate all or any part of any sentence of confinement in any felony, misdemeanor, or ordinance violation case, the sentencing court shall be authorized to make inquiry into whether the person to be sentenced is lawfully present in the United States under federal law.

(b) If the court determines that the person to be sentenced is not lawfully present in the

United States, the court shall be authorized to make inquiry into whether the person to be sentenced would be legally subject to deportation from the United States while serving a probated sentence.

(c) If the court determines that the person to be sentenced would be legally subject to deportation from the United States while serving a probated sentence, the court may:

(1) Consider the interest of the state in securing certain and complete execution of its judicial sentences in criminal and quasi-criminal cases;

(2) Be authorized to consider the likelihood that deportation may intervene to frustrate that state interest if probation is granted; and

(3) Where appropriate, be authorized to decline to probate a sentence in furtherance of the state interest in certain and complete execution of sentences.

(d) This Code section shall apply with respect to a judicial determination as to whether to suspend all or any part of a sentence of confinement in the same manner as this Code section applies to determinations with respect to probation."

SECTION 2.

Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to granting of pardons, parole, and other relief in general, is amended by inserting a new Code Section 42-9-43.1 to read as follows:

"42-9-43.1.

(a) In determining whether to grant parole the board shall be authorized to make inquiry into whether the prisoner is lawfully present in the United States under federal law.

(b) If the board determines that the prisoner is not lawfully present in the United States, the board shall be authorized to make inquiry into whether the prisoner would be legally subject to deportation from the United States while on parole.

(c) If the board determines that the prisoner would be legally subject to deportation from the United States while on parole, the board may:

(1) Consider the interest of the state in securing certain and complete execution of its judicial sentences in criminal cases;

(2) Be authorized to consider the likelihood that deportation may intervene to frustrate that state interest if parole is granted; and

(3) Where appropriate, be authorized to decline to grant parole in furtherance of the state interest in certain and complete execution of sentences."

SECTION 3.

The General Assembly finds that this Act states factors for consideration in discretionary decision-making processes within the criminal justice system. The General Assembly finds that such factors could have been considered prior to or without the enactment of this Act. Accordingly, it is the intention of the General Assembly that this Act may be applied with respect to offenses committed prior to its effective date as well as offenses committed on or after its effective date. However, if there should be a judicial determination that retrospective application is prohibited, it is the intention of the General Assembly that retrospective application should be severable.

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Senator Jones of the 10th offered the following amendment #1:

Amend the Senate Judiciary Committee substitute to SB 23 (LC 29 2689S) by inserting after "States;" on line 4 of page 1 the following: to allow a change of sentence under certain circumstances;

By inserting after the word "by" on line 14 of page 1 the following:

revising subsection (f) of Code Section 17-10-1 of the Official Code of Georgia Annotated, relating to fixing and changing of sentence, as follows:

"(f)(1) Except as provided in paragraph (2) of this subsection, within ~~Within~~ one year of the date upon which the sentence is imposed, or within 120 days after receipt by the sentencing court of the remittitur upon affirmance of the judgment after direct appeal, whichever is later, the court imposing the sentence has the jurisdiction, power, and authority to correct or reduce the sentence and to suspend or probate all or any part of the sentence imposed. Prior to entering any order correcting, reducing, or modifying any sentence, the court shall afford notice and an opportunity for a hearing to the prosecuting attorney. Any order modifying a sentence which is entered without notice and an opportunity for a hearing as provided in this subsection shall be void.

(2) If a person was convicted prior to July 1, 2006, of the offense of: (A) Sodomy and such person and the victim meet the criteria of subsection (d) of Code Section 16-6-2; (B) Child molestation and such person and the victim meet the criteria of paragraph (2) of subsection (b) of Code Section 16-6-4; (C) Aggravated child molestation and such person and the victim meet the criteria of paragraph (2) of subsection (d) of Code Section 16-6-4; or (D) Enticing a child for indecent purposes and such person and the victim meet the criteria of subsection (c) of Code Section 16-6-5, at any date after which sentence was imposed, the court imposing the sentence has the jurisdiction, power, and authority to correct or reduce the sentence and to suspend or probate all or any part of the sentence imposed. Prior to entering any order correcting, reducing, or modifying any sentence, the court shall afford notice and an opportunity for a hearing to the prosecuting attorney. Any order modifying a sentence which is entered without notice and an opportunity for a hearing as provided in this subsection shall be void.

(3) This subsection shall not limit any other jurisdiction granted to the court in this Code section or as provided for in subsection (g) of Code Section 42-8-34."

SECTION 2.

Said article is further amended by

Senator Douglas of the 17th requested a ruling of the Chair as to the germaneness of the Jones amendment #1.

The President ruled the amendment not germane.

On the adoption of the substitute, the yeas were 37, nays 1, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	N Thomas,R
Y Douglas	Y Mullis	Thompson,C
N Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	E Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 50, nays 2.

SB 23, having received the requisite constitutional majority, was passed by substitute.

SB 48. By Senators Carter of the 13th and Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to amend Code Section 42-5-50 of the O.C.G.A., relating to transmittal of information on convicted persons and place of detention, so as to provide that after a convicted person has remained in custody of the local jail for a period of 90 days after a request for local custody

has been filed on behalf of such person, the sheriff through the prosecuting attorney may petition the sentencing court for a hearing to determine whether such convicted person should be transferred to the custody of the commissioner of corrections; to provide for notice to the attorney of record for the convicted person; to provide for certain matters to be considered by the court; to provide that the court order shall specify the conditions of continued incarceration of the convicted person; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Public Safety and Homeland Security Committee offered the following substitute to SB 48:

**A BILL TO BE ENTITLED
AN ACT**

To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to conditions of detention generally, so as to change certain provisions relating to transmittal of information on convicted persons and place of detention; to change the provision that allows convicted persons to remain in local jails under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to conditions of detention generally, is amended by revising Code Section 42-5-50, relating to transmittal of information on convicted persons and place of detention, as follows:

"42-5-50.

(a) The clerk of the court shall notify the commissioner of a sentence within 30 working days following the receipt of the sentence and send other documents set forth in this Code section. Such notice shall be mailed within such time period by first-class mail and shall be accompanied by two complete and certified sentence packages containing the following documents:

(1) A certified copy of the sentence;

(2) A complete history of the convicted person, including a certified copy of the indictment, accusation, or both and such other information as the commissioner may require;

(3) An affidavit of the custodian of such person indicating the total number of days the convicted person was incarcerated prior to the imposition of the sentence. It shall be the duty of the custodian of such person to transmit the affidavit provided for in this paragraph to the clerk of the superior court within ten days following the date on which the sentence is imposed;

- (4) Order of probation revocation or tolling of probation; and
- (5) A copy of the sentencing information report is required in all jurisdictions with an options system day reporting center certified by the Department of Corrections. The failure to provide the sentencing information report shall not cause an increase in the 15 day time period for the department to assign the inmate to a correctional institution as set forth in subsection (b) of this Code ~~Section~~ section.

~~All of the aforementioned~~ Such documents ~~will~~ shall be submitted on forms provided by the commissioner. The commissioner shall file one copy of each such document with the State Board of Pardons and Paroles within 30 working days of receipt of such documents from the clerk of the court. Except where the clerk is on a salary, the clerk shall receive from funds of the county the fee prescribed in Code Section 15-6-77 for such service.

(b) ~~Except as otherwise provided in subsection (c) of this Code section, within~~ Within 15 days after the receipt of the information provided for in subsection (a) of this Code section, the commissioner shall assign the convicted person to a correctional institution designated by ~~him~~ the commissioner in accordance with subsection (b) of Code Section 42-5-51. It shall be the financial responsibility of the correctional institution to provide for the picking up and transportation, under guard, of the inmate to ~~his~~ the inmate's assigned place of detention. If the inmate is assigned to a county correctional institution or other county facility, the county shall assume such duty and responsibility.

(c) ~~In the event that the attorney for the convicted person shall file a written request with the court setting forth that the presence of the convicted person is required within the county of the conviction, or incarceration, in order to prepare and prosecute properly the appeal of the conviction, the convicted person shall not be transferred to the correctional institution as provided in subsection (b) of this Code section. In such event the convicted person shall remain in the custody of the local jail or lockup until all appeals of the conviction shall be disposed of or until the attorney of record for the convicted person shall file with the trial court an affidavit setting forth that the presence of the convicted person is no longer required within the county in which the conviction occurred, or in which the convicted person is incarcerated, whichever event shall first occur.~~

(d) ~~The department shall not be required to assume the custody of those inmates who have been convicted and sentenced prior to January 1, 1983, and because their conviction is under appeal have not been transferred to the custody of the department, until July 1, 1983. The state shall pay for each such inmate not transferred to the custody of the department~~ from a county facility ~~the per diem rate specified by subsection (c) of Code Section 42-5-51 for each day the inmate remains in the custody of the county after the department receives the notice provided by subsection (a) of this Code section~~ on or after January 1, 1983.

~~(e)~~(d) In the event that the convicted person is free on bond pending the appeal of his or her conviction, the notice provided for in subsection (a) of this Code section shall not be transmitted to the commissioner until all appeals of such conviction have been disposed of or until the bond shall be revoked."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 36, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Goggans	Y Orrock	Y Tolleson
Y Golden	E Pearson	Y Unterman
Y Grant	Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 52, nays 0.

SB 48, having received the requisite constitutional majority, was passed by substitute.

Senator Chapman of the 3rd asked unanimous consent that Senator Thomas of the 2nd be excused. The consent was granted, and Senator Thomas was excused.

Senator Seay of the 34th asked unanimous consent that Senator Reed of the 35th be excused. The consent was granted, and Senator Reed was excused.

SB 62. By Senators Mullis of the 53rd, Whitehead, Sr. of the 24th, Seay of the 34th, Carter of the 13th and Staton of the 18th:

A BILL to be entitled an Act to amend Code Section 35-3-35 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of records by the Georgia Crime Information Center to public agencies and political subdivisions and responsibility and liability of the issuing center, so as to provide certain conditions for requesting criminal history records; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	E Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	E Pearson	Y Unterman
Y Grant	Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 53, nays 0.

SB 62, having received the requisite constitutional majority, was passed.

Senator Wiles of the 37th asked unanimous consent that Senator Hill of the 32nd be excused. The consent was granted, and Senator Hill was excused.

SB 72. By Senators Williams of the 19th, Weber of the 40th, Rogers of the 21st, Tolleson of the 20th, Staton of the 18th and others:

A BILL to be entitled an Act to amend Code Section 20-2-290 of the Official Code of Georgia Annotated, relating to organization of schools under the "Quality Basic Education Act," so as to provide for legislative findings; to authorize the employment of school administrative managers to conduct the financial and business affairs of a school; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following substitute to SB 72:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 20-2-290 of the Official Code of Georgia Annotated, relating to organization of schools under the "Quality Basic Education Act," so as to provide for legislative findings; to authorize the employment of school administrative managers to conduct the financial and business affairs of a school; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds that principals are frequently called upon to perform many administrative functions which limit their time and ability to be thoroughly involved in the curriculum and instructional aspects of the school. The General Assembly further finds that it may be in the best interests of schools to disencumber the principal from such time consuming duties which are unrelated to the direct instruction and achievement of students by authorizing the employment of school administrative managers to handle the financial and business operations of the school.

SECTION 2.

Code Section 20-2-290 of the Official Code of Georgia Annotated, relating to organization of schools under the "Quality Basic Education Act," is amended by revising subsection (a) as follows:

"(a)(1) The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. Local school systems which have organized their schools in such a manner that facilities house grades six, seven, and eight or grades seven and eight shall qualify for the middle school program for students in grade levels so housed. A school which houses grades other than six, seven, or eight shall only be eligible if it has a full-time principal for grades seven and eight or six, seven, and eight and

another full-time principal for grades above or below the middle school grades; provided, however, that such schools also meet all other provisions of this Code section. Schools with students in the sixth grade shall not be eligible for the middle school program if the sixth grades are not housed in middle schools which also contain both grades seven and eight. Further, two or more adjacent local school systems shall qualify for the middle school program if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board.

(2) The board of education of any local school system shall be authorized to employ school administrative managers in lieu of or in addition to assistant principals. Such school administrative managers shall not be required to be certificated by the Professional Standards Commission but shall have such qualifications as determined by the local board with a minimum requirement of a bachelor's degree. The duties of school administrative managers shall be to oversee and manage the financial and business affairs of the school. The principal shall retain authority over the curriculum and instructional areas. At the discretion of the local board, the school administrative manager may report directly to the superintendent. In the event that a local board considers hiring or utilizing school administrative managers pursuant to this subsection, it shall receive and give all due consideration to recommendations by the school council as to whether or not to utilize such position and as to selection of the manager. Existing employees of the local board shall be eligible to serve as school administrative managers if they meet other qualifications and requirements established by the local board for such position. For purposes of earning funds for such positions, school administrative managers shall be treated in all respects the same as assistant principals."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Senator Willams of the 19th offered the following amendment:

Amend the Senate Education Committee substitute to SB 72 (LC 33 1854S) by revising lines 15 and 16 on page 2 as follows:

areas. The school administrative manager shall report directly to the principal. In the event that a local board considers hiring or utilizing

On the adoption of the amendment, the yeas were 35, nays 0, and the Williams amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 31, nays 0, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
N Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	E Hill,Judson	Y Smith
N Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	N Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	E Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
N Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	E Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 49, nays 4.

SB 72, having received the requisite constitutional majority, was passed by substitute.

SR 20. By Senators Rogers of the 21st, Seabaugh of the 28th, Pearson of the 51st, Wiles of the 37th, Hill of the 32nd and others:

A RESOLUTION

Proposing an amendment to the Constitution so as to provide for limitations on state government taxation and expenditures; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The Constitution is amended by adding a new Article IXA to read as follows:

**"ARTICLE IXA.
TAXPAYER PROTECTION AMENDMENT OF 2007**

**SECTION I.
TAX AND EXPENDITURE LIMITATIONS**

Paragraph I. **Definitions.** As used in this article, the term:

- (1) 'Emergency' means an extraordinary event or occurrence that could not have been reasonably foreseen or prevented and that requires immediate expenditure to preserve the health, safety, and general welfare of the people. 'Emergency' does not include budget or revenue shortfalls.
- (2) 'Fiscal year' means any accounting period consisting of 12 consecutive months.
- (3) 'Fiscal year spending' means the total amount of moneys appropriated by the state except:
 - (A) Appropriations funded by moneys received from the federal government;
 - (B) Principal and interest on bonded indebtedness;
 - (C) Appropriations funded by unemployment and disability insurance funds;
 - (D) Appropriations funded by discretionary user charges to the extent that such charges do not exceed the cost of the goods or services;
 - (E) Appropriations funded from permanent endowments, trust funds, or pension funds;
 - (F) Proceeds of gifts or bequests made for purposes specified by the donor; or
 - (G) Moneys appropriated for tax relief.
- (4) 'Population' means the number of people residing in Georgia, excluding armed forces stationed overseas, as determined by the United States Bureau of Census.
- (5) 'Total state revenues' means all moneys derived from the state's own revenue sources.

Paragraph II. **Spending limits.** For any fiscal year that commences on or after July 1, 2009, the maximum annual percentage change in state fiscal year spending shall equal the annual percentage change in the Consumer Price Index of the most recent available fiscal year plus the percentage change in population for the most recent available calendar year or an amount equal to the fiscal year spending of any of the three immediately preceding years. Population shall be determined by annual federal census estimates and such number shall be adjusted every decade to match the federal decennial census.

Paragraph III. **Excess revenues.** For any fiscal year that commences on or after July 1, 2009, if revenue from sources not excluded from total state revenues exceeds the limit on total state fiscal year spending calculated in accordance with Paragraph II of this article, for that fiscal year the excess shall be reserved or refunded as follows:

- (1) The state director of the Office of Treasury and Fiscal Services shall first transfer excess revenues to the Revenue Shortfall Reserve to the extent necessary to ensure that the fund balance is equal to 5 percent of state fiscal year spending for the previous fiscal year; and

(2) The usage of any additional excess revenues shall be determined by vote of the General Assembly and may be transferred to the Revenue Shortfall Reserve, used to reduce state indebtedness, refunded to the taxpayers, or used for any combination of such purposes.

Paragraph IV. **Implementation.** The General Assembly shall enact legislation that may be necessary to implement and enforce the provisions of this article."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to provide for
() NO limitations on state government taxation and expenditures?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

The Senate Finance Committee offered the following substitute to SR 20:

A RESOLUTION

Proposing an amendment to the Constitution so as to provide for limitations on state government taxation and expenditures; to provide for a short title; to provide for definitions; to provide for spending limits; to provide for excess revenues; to provide for the authority of the General Assembly with respect to the foregoing; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The Constitution is amended by adding a new Article IXA to read as follows:

"ARTICLE IXA.

TAXPAYER PROTECTION AMENDMENT OF 2007

SECTION I.

TAX AND EXPENDITURE LIMITATIONS

Paragraph I. **Definitions.** As used in this article, the term:

(1) 'Annual population change' means the most recent available annual percentage

change in population for the State of Georgia.

(2) 'Emergency' means an extraordinary event or occurrence that could not have been reasonably foreseen or prevented and that requires immediate expenditures to preserve the health, safety, or general welfare of the people.

(3) 'Fiscal year' means the state fiscal year specified under Article III, Section I, Paragraph II(b).

(4) 'Fiscal year spending' means the total amount of moneys appropriated in the General Appropriations Act by the General Assembly and recommended by the Governor as determined by the revenue estimate under Article III, Section IX, Paragraph IV(b) except:

- (A) Appropriations funded by moneys received from the federal government;
- (B) Appropriations funded by discretionary user charges to the extent that such charges do not exceed the cost of the goods or services;
- (C) Proceeds of gifts or bequests made for purposes specified by the donor;
- (D) Lottery funds;
- (E) Motor fuel tax proceeds;
- (F) Tobacco settlement funds;
- (G) Care management organization fees and nursing home provider fees; and
- (H) Moneys appropriated for homeowner's incentive adjustment tax relief under Article VII, Section IIA.

(5) 'Population' means the number of people residing in Georgia, excluding armed forces stationed overseas, as determined by the United States Bureau of Census.

(6) 'State government inflation' means the most recent available annual percentage change in the gross output of state and local governments as defined by the National Income and Product Accounts and determined by the United States Bureau of Economic Analysis.

Paragraph II. ***Spending limits.*** For any fiscal year that commences on or after July 1, 2010, the fiscal year spending as determined by the revenue estimate under Article III, Section IX, Paragraph IV(b) shall not exceed:

- (1) An amount equal to the fiscal year spending in any of the three immediately preceding fiscal years; or
- (2) An amount equal to the immediately preceding fiscal year spending adjusted for state government inflation and annual population change.

Paragraph III. ***Excess revenues.*** For any fiscal year that commences on or after July 1, 2010, if revenue from sources not excluded from total state revenues exceeds the limit on total state fiscal year spending calculated in accordance with Paragraph II of this article, for that fiscal year the excess shall be appropriated by vote of the General Assembly and may be transferred to the Revenue Shortfall Reserve, used to reduce state indebtedness, refunded to the taxpayers, used to fund increases due to student enrollment for local school systems, or used for any combination of such purposes.

Paragraph IV. ***Spending limit override.*** The General Assembly shall be authorized to exceed the limits specified under this article, but only upon the exhaustion of the Revenue Shortfall Reserve and upon the declaration of an emergency by the Governor

and the adoption of a joint resolution by a two-thirds vote of both houses of the General Assembly voting in a roll-call vote concurring with the emergency declaration. The General Assembly by law shall set forth the cost of the emergency and the method by which it shall be defrayed. In no event shall such emergency expenditures be included in the computation of the limitation imposed by Paragraph II of this section for any other year.

Paragraph V. **Implementation.** The General Assembly shall enact legislation that may be necessary to implement and enforce the provisions of this article."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to provide for
() NO limitations on state government taxation and expenditures?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

On the adoption of the substitute, the yeas were 30, nays 15, and the committee substitute was adopted.

The report of the committee, which was favorable to the adoption of the resolution by substitute, was agreed to.

On the adoption of the resolution proposing an amendment to the Constitution, a roll call was taken, and the vote was as follows:

N Adelman	Y Heath	Y Seabaugh
Y Balfour	N Henson	N Seay
N Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
N Butler	N Hooks	Y Staton
Y Carter	Y Hudgens	N Stoner
Y Chance	Y Johnson	N Tarver
Y Chapman	N Jones	N Tate
Y Cowsert	N Me V Bremen	Y Thomas,D
N Davenport	Y Moody	N Thomas,R
Y Douglas	Y Mullis	N Thompson,C
N Fort	Y Murphy	N Thompson,S
Y Goggans	N Orrock	Y Tolleson

N Golden	E Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	N Ramsey	Y Whitehead
N Harbison	N Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the adoption of the resolution, the yeas were 34, nays 21.

SR 20, having failed to receive the requisite two-thirds constitutional majority, was lost.

Senator Seabaugh of the 28th gave notice that at the proper time he would move that the Senate reconsider its action on SR 20.

Senator Goggans of the 7th asked unanimous consent to suspend Senate Rules 3-1.2(a) and 6-9.2(a) to allow SB 172 to be read for the first time and referred to committee.

The consent was granted and the following Senate legislation was introduced, read the first time and referred to committee:

SB 172. By Senator Goggans of the 7th:

A BILL to be entitled an Act to amend provisions of the Official Code of Georgia Annotated relating to public employee health care; to amend Article 6 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the Georgia Retiree Health Benefit Fund, so as to provide for reports to the board of community health; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Appropriations Committee.

Serving as doctor of the day was Dr. Billy Burk.

Senator Williams of the 19th moved that the Senate stand in recess until 5:00 p.m. and then stand adjourned pursuant to HR 183 until 10:00 a.m. Tuesday, February 20, 2007.

The motion prevailed, and at 1:20 p.m. the President announced the Senate adjourned.